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12 *Fifth Street Gaming, LLC; and DTG Las Vegas Manager, LLC*
13 *dba Downtown Grand Hotel & Casino*

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16
17 U.S. EQUAL EMPLOYMENT
18 OPPORTUNITY COMMISSION,

19 Plaintiff,

20 vs.

21 DTG LAS VEGAS, LLC; FIFTH STREET
22 GAMING, LLC; AND DTG LAS VEGAS
23 MANAGER, LLC dba DOWNTOWN
GRAND HOTEL & CASINO, and DOES 1-
10, inclusive,

24 Defendants.

CASE NO.: 2:23-cv-00510-APG-NJK

**JOINT STIPULATION AND ORDER
CONTINUING STAY OF ACTION
PENDING FINAL TERMS OF CONSENT
DECREE**

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1 Plaintiff United States Equal Employment Opportunity Commission (“Plaintiff” or
 2 “EEOC”) and Defendants DTG Las Vegas, LLC, DTG Las Vegas Manager, LLC, and Fifth Street
 3 Gaming, LLC (collectively, “Defendants”) (Defendants and Plaintiffs collectively, “the Parties”),
 4 by and through their respective counsel of record, hereby stipulate and agree as follows:

- 5 1. On August 11, 2023, the Parties submitted a First Amended Stipulation and Order
 6 requesting the Court temporarily stay the action pending mediation. (ECF No. 22).
- 7 2. On August 15, 2023, the Honorable Nancy J. Koppe, United States Magistrate Judge,
 8 granted the Parties’ request and stayed the action until November 15, 2023. (ECF No.
 9 24).
- 10 3. Per Judge Koppe’s Order, the Parties were to file a Joint Status Report by November 15,
 11 2023. (ECF No. 24).
- 12 4. The Parties attended private, in-person Mediation with Sonya D. Goodwin on November
 13 8, 2023 and settled the monetary portion of the action.
- 14 5. On November 15, 2023, the Parties submitted a Joint Status Report updating the Court
 15 of the successful mediation, informing the Court that the Parties were in the process of
 16 finalizing the terms of a Consent Decree, and requesting an additional stay of 45 days.
 17 (EFC No. 27)
- 18 6. On November 16, 2023, the Honorable Nancy J. Koppe, United States Magistrate Judge,
 19 granted the requested stay which was extended to January 2, 2024. (Docket Entry No.
 20 28)
- 21 7. On January 2, 2024, the Parties submitted a Joint Stipulation and Order requesting the
 22 Court continue to stay the action for 45 days to allow the parties to finalize the terms of
 23 the Consent Decree. (Docket Entry No. 29)
- 24 8. On January 3, 2024, the Honorable Nancy J. Koppe, United States Magistrate Judge,
 25 granted the requested stay which was extended to February 16, 2024. (Docket Entry No.
 26 30)
- 27 9. The Parties have been and continue to be diligently working to finalize the terms of the
 28 Consent Decree but require additional time to resolve the final outstanding issues. The

1 Parties expect the Consent Decree will be finalized and submitted to the Court for review
2 and approval within the next 15 days.

3 10. To allow the Parties time to finalize the terms of a Consent Decree, the Parties hereby
4 stipulate and agree that all court proceedings and deadlines, including the requirements
5 of LR 26-1 and FRCP 26(a)(1), should be stayed for an additional 30 days.

6 11. The Court has the power to continue to stay the proceedings as part of its inherent power
7 “to control the disposition of the causes on its docket with economy of time and effort
8 for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936).
9 In deciding whether to grant a stay, a court may weigh the “competing interests of the
10 parties and of the Court.” *Coker v. Dowd*, No. 2:13-CV-0994-JCM-NJK, 2013 WL
11 12216682, at *1 (D. Nev. July 8, 2013). The competing interests that may be considered
12 include “the possible damage which may result from the granting of a stay, the hardship
13 or inequity which a party may suffer in being required to go forward, and the orderly
14 course of justice measured in terms of the simplifying or complicating of issues, proof,
15 and questions of law which could be expected to result from a stay.” *CMAX, Inc. v. Hall*,
16 300 F.2d 265, 268 (9th Cir. 1962).

17 12. The Parties submit that the competing interests weigh in favor of continuing the stay.
18 The stay will promote judicial economy and allow this Court to more effectively control
19 the disposition of the cases on its docket with economy of time and effort for itself, for
20 counsel, and the litigants. Given that this case has settled pending the Parties finalizing
21 the terms of a Consent Decree and no deadlines or trial date have been set supports a
22 continuation of the stay to allow the Parties an opportunity to finalize the terms of a
23 Consent Decree and submit it to the Court for review and approval. This will save the
24 Parties from having to incur additional, potentially unnecessary litigation costs.

25 13. This stipulation is entered in good faith, is reasonably necessary, and is not sought for
26 the purposes of delay.

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1 14. This is the Parties' fifth request to stay this proceeding.

2 **IT IS SO STIPULATED.**

3 Respectfully submitted,

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5 DATED: February 15, 2024

DATED: February 15, 2024

6 BY: /s/ Taylor Markey

BROWNSTEIN HYATT FARBER SCHRECK, LLP

BY: /s/ Travis F. Chance

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8 EEOC Assistant Regional Attorney

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20 *LLC, Fifth Street Gaming, LLC, and DTG*
21 *Las Vegas Manager, LLC dba Downtown*
Grant Hotel & Casino

22 **ORDER**

23 **IT IS SO ORDERED.**

24
25 _____
26 UNITED STATES MAGISTRATE JUDGE

27 Dated: _____
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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), and Section IV of the District of Nevada Electronic Filing Procedures, I hereby certify that I am an employee of Ballard Rosenberg Golper & Savitt, LLP, and that on February 16, 2024, I served a true and correct copy of the foregoing **JOINT STIPULATION AND ORDER CONTINUING STAY OF ACTION PENDING FINAL TERMS OF CONSENT DECREE**, via electronic service, through the Court's CM/ECF e-filing service, to the following:

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/s/ Lisa Chiarella
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